

Notice of Allowability

Applicati n No.

10/033,167

Examin r

Jeffrey Fredman

Applicant(s)

BOTSTEIN ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 27, 2003.
2. ☒ The allowed claim(s) is/are 27-34.
3. ☒ The drawings filed on 27 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

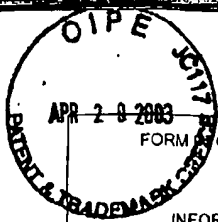
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Jeffrey Fredman
Primary Examiner
Art Unit: 1634



SHEET 1 OF 2

FORM O-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
GNE 2930R1C10APPLICATION NO.
10/033,167**RECEIVED**

MAY 01 2003

INFORMATION DISCLOSURE STATEMENT
BY APPLICANTAPPLICANT
Botstein, et al.FILING DATE
December 27, 2001GROUP
1656

TECH CENTER 1600/2900

(USE SEVERAL SHEETS IF NECESSARY)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)

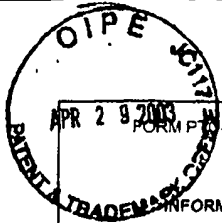
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
1		WO 00/04135	01/27/00	PCT				
2		DE 198 18 620	10/28/99	Germany				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)		
3	Database EMBL 'Online! (1997-10-31) Strausberg, R.: "np74e04.s1 NCI_CGAP_Br2 Homo sapiens cDNA clone IMAGE: 1132062 3' Database accession no. AA 632131		
4	Fransen, et al., Identification of peroxisomal proteins by using M13 phage protein VI phage display: molecular evidence that mammalian peroxisomes contain a 2,4-dienoyl-CoA reductase, Biochem. J. 348:561-568 (1999)		
5	Comparison between Accession No. AAY87109 and SEQ ID NO: 23		
6	Comparison between Accession No. AAY87196 and SEQ ID NO: 23		
7	Comparison between Accession No. AA025266 and SEQ ID NO: 8		
8	Comparison between Accession No. AA024389 and SEQ ID NO: 8		
9	Comparison between Accession No. AX118905 and SEQ ID NO: 8		
10	Comparison between Accession No. CAC38526.1 and SEQ ID NO: 8		
11	Comparison between Accession No. AX070106 and SEQ ID NO: 6		
12	Comparison between Accession No. AAB40784 and SEQ ID NO: 6		
13	Comparison between Accession No. AAC74993 and SEQ ID NO: 6		

EXAMINER	DATE CONSIDERED
	11/4/03

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 608; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.



FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. GNE.2930R1C10	APPLICATION NO. 10/033,167
	APPLICANT Botstein, et al.	
	FILING DATE December 27, 2001	GROUP 1656

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MAY 01 2003

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EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
<i>u</i>	14	Comparison between Accession No. AI373244 and SEQ ID NO: 6
<i>u</i>	15	Comparison between Accession No. AI366107 and SEQ ID NO: 6
<i>u</i>	16	Comparison between Accession No. AR052531 and SEQ ID NO: 12
<i>u</i>	17	Comparison between Accession No. W63967 and SEQ ID NO: 12
<i>u</i>	18	Comparison between Accession No. AAZ98060 and SEQ ID NO: 23
<i>u</i>	19	Comparison between Accession No. AI08845 and SEQ ID NO: 23
<i>u</i>	20	Comparison between Accession No. AAV88653 and SEQ ID NO: 23

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APR 23 2003 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	PTO-1449	ATTY. DOCKET NO. GNE.2930R1C10	APPLICATION NO. 10/033,167
	APPLICANT Botstein, et al.		
	FILING DATE December 27, 2001	GROUP 1656	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	5,831,058	11/03/98	Fujiwara et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
2		WO 98 45437 ✓	10/15/98	PCT				
3		WO 00/04140 ✓	01/27/00	PCT				
4		WO 00 58472	10/05/00	PCT				
5		WO 01/29221 ✓	04/26/01	PCT				
6		WO 01 02568 ✓	01/11/01	PCT				

EXAMINER
INITIAL

OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

7	Database EMBL 'Online! Entry HSA24389, 08/14/96, Hillier, L. et al., "ze74b01.r1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE: 364681 5', mRNA sequence." Database accession no. AA024389 XP002230500
8	Database EMBL 'Online! Entry HSA25266, 08/14/96, Hillier, L. et al., "ze74b01.s1 Soares_fetal_heart_NbHH19W Homo sapiens cDNA clone IMAGE:364681 3', mRNA sequence." Database accession no. AA025266 XP002230501
9	Database EMBL [Online] md78c02.r1 Soares mouse embryo NbME1cDNA clone (06/22/96) Marra et al., "The WashU-HHMI Mouse EST Project" Database accession no. MM96732 XP002232923
10	Database EBI 'Online! (08/19/98) Strausberg R. "qa12e07.x1 NCI_CGAP_Brn23 Homo sapiens cDNA clone Image:1686564 3' similar to contains TAR1.b2 MSR1 repetitive element; mRNA sequence." Database accession no. AI088845 XP002226252
11	Database EMBL [Online] (01/11/99) Hillier, L. et al. "ao87d07.x1 Schiller meningioma Homo sapiens cDNA clone IMAGE:1952845 3' similar to contains element TAR1 repetitive element; mRNA sequence." Database accession no. AI366107 XP002230801
12	Database EMBL [Online] (01/13/99) Strausberg R. "qz48e01.x1 NCI-CGAP-Kid11 Homo sapiens cDNA clone IMAGE:2030136 3', mRNA sequence." Database accession no. AI373244 XP002230802
13	Klein, et al. Selection for genes encoding secreted proteins and receptors, Proc. Natl. Acad. Sci. USA 93:7108-7113 (1996)
14	Tashiro, et al., Signal sequence trap: a cloning strategy for secreted proteins and type 1 membrane proteins, Science 261:600-603 (1993)

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EXAMINER	DATE CONSIDERED
	11/14/03

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